

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

)

CRIMINAL NO. 2:21cr 26

v.

)

18 U.S.C. § 2252(a)(1)

JOSE VISENTE AYALA,

)

Transportation of Child Pornography
(Count 1)

Defendant.

)

18 U.S.C. §§ 2252(a)(4)(B)

)

Possession of Child Pornography
(Count 2)

)

18 U.S.C. § 2253

)

Criminal Forfeiture

INDICTMENT

March 2021 Term – at Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE
(Transportation of Child Pornography)

On or about December 3, 2018, in Virginia Beach, within the Eastern District of Virginia, and elsewhere, the defendant, JOSE VISENTE AYALA, did knowingly transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, at least one visual depiction and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

(In violation of Title 18, United States Code, Section 2252(a)(1).)

COUNT TWO
(Possession of Child Pornography)

On or about February 26, 2020, in Virginia Beach, within the Eastern District of Virginia, the defendant, JAMES VISENTE AYALA, did unlawfully and knowingly possess one or more matters, that is, one (1) Hewlett-Packard laptop computer and the hard drive contained therein, which were manufactured outside of the Commonwealth of Virginia, and which contained visual depictions that had been mailed, shipped, and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been so mailed, shipped, and transported, by any means including by computer, and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

(In violation of Title 18, United States Code, Sections 2252(a)(4)(B).)

CRIMINAL FORFEITURE

THE GRAND JURY FURTHER FINDS PROBABLE CAUSE THAT:

1. If convicted of any of the violations alleged in the Indictment, the defendant, JOSE VISENTE AYALA, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2:
 - a. Any property, real and personal, constituting, derived from, or traceable to gross profits or other proceeds obtained from the violation;
 - b. Any property, real and personal, used or intended to be used in any manner or part to commit or to promote the commission of the violations, and any property traceable to such property; and
 - c. Any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Section 2251 *et seq.*, produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2251 *et seq.*
2. If any property that is subject to forfeiture above is not available, it is the intention of the United States to seek an order forfeiting substitute assets pursuant to Title 21, United States Code, Section 853(p) and Federal Rule of Criminal Procedure 32.2(e).

(In accordance with Title 18, United States Code, Section 2253, and Title 21, United States Code, Section 853(p).)

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

United States of America v. JOSE VISENTE AYALA, 2:21cr 210

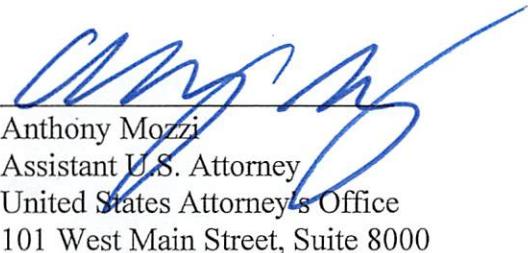
A TRUE BILL:

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FOREPERSON

RAJ PAREKH
ACTING UNITED STATES ATTORNEY

By:


Anthony Mozzi
Assistant U.S. Attorney
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510
Phone: (757) 441-6331
Fax: (757) 441-6689
Email: anthony.mozzi@usdoj.gov